



December 21, 2009

By ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
Washington, D.C. 20554

**Re: Comments -- NBP PUBLIC NOTICE #26
GN Docket Nos. 09-47, 09-51, and 09-137**

Dear Ms. Dortch:

I write on behalf of Weigel Broadcasting Co. ("Weigel"), in response to the Commission's NBP Public Notice #26. As discussed below, Weigel urges the Commission to take into consideration the vital post-transition role of local television broadcasters as it considers the availability of spectrum for new commercial applications.

Weigel is a family-owned business that owns and operates full- and low-power television stations in Chicago, Illinois, South Bend, Indiana, and Milwaukee, Wisconsin. We live in and are connected to the communities we serve, and consequently have a direct and vital interest in, and understanding of, the needs, interests and concerns of our viewers.

Following the completion of the digital television transition just six months ago, Weigel has taken steps to leverage new technologies and services in order to ensure that the Congressional mandate and policy objectives underlying the digital transition are satisfied -- that is, that viewers of free, over-the-air television are able to enjoy the robust digital experience to which they are entitled.

To that end, Weigel has developed and deployed creative applications for its digital broadcast spectrum at the local level -- and on a national platform through its partnership with MGM Television Distribution to create the digital over-the-air This TV Network. This free, 24/7 movie channel reaches nearly 80 percent of U.S. TV Households over the digital multicast streams of more than 100 affiliates nationwide, providing viewers a full service movie channel of the type otherwise available only through a paid subscription to a cable or satellite service. We are currently in the development phase of additional "diginet" services -- all free, over-the-air and representing precisely the sort of high value, creative use of our broadcast digital spectrum that Congress envisioned in mandating the transition.

Meanwhile, at the local level, using state of the art processing equipment, our Chicago station, WCIU-TV, distributes five distinct program streams, including not only This TV Network programming, but also high definition programming and foreign-language content. Similarly, our Milwaukee stations carry multiple program streams, including This TV Network programming, locally-produced community programming and Spanish-language programming, including the only locally-produced Spanish language news programming in the state of Wisconsin.

Weigel also has developed content to be shared between its over-the-air stations and their Internet platforms. Our locally conceived and produced children's literacy program, "Green Screen Adventures" -- which dramatizes stories submitted by Chicago school children and for which Weigel was the recipient of the NAB's 2009 Service to America Award -- is broadcast on our Chicago and Milwaukee stations and nationally on the This TV Network. The program has a dedicated, locally designed and operated website. Weigel also produces and broadcasts Chicago and suburban high school football and basketball games that it simultaneously streams over the WCIU-TV website. Additionally, our new, locally-hosted WCIU-TV website is specifically designed to re-purpose and enhance the local content of our locally produced morning news and entertainment program, "U and Me This Morning." It is for the various activities described above that Weigel was recently honored by Broadcasting and Cable Magazine as the Multiplatform Broadcaster of the Year.

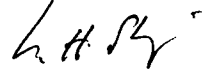
The opportunity provided by the digital spectrum is fundamental to who we are. Weigel is a *local* broadcaster, and our family has been a local broadcaster for over 40 years. Obviously, without meaningful spectrum we can no longer serve our local communities. We are also entrepreneurs. We are fully using our entire full power spectrum in Chicago with five separate program streams. We have six separate program streams on our full power stations in Milwaukee -- with plans to have more. We have built the national digital network This TV with our partners MGM. And we have plans in process for more national dignets. *And* we intend to make further investments and expand as technology and spectrum permit . . . but why do so if the spectrum on which we have already invested with digital transmission equipment, enormous programming commitments and other obligations is to be dramatically reduced or removed? Moreover, re-assigning spectrum to large national wireless providers from television broadcasters clearly favors the large and the non-local over the small and local, such as Weigel. We believe there must be a place for the small and the local -- particularly one that, like Weigel, has been committed to the communities it serves for over 40 years -- not just as an afterthought, but at the center of our national communications policy.

Accordingly, as a local broadcaster closely identified with the communities we serve, Weigel believes that determining the "highest and best use" of spectrum allotments necessarily involves consideration of more than purely economic factors -- specifically, the inchoate public interest value of *local* broadcasters' service to our viewers. The civic, social, and cultural significance of our free, local, over-the-air service is fundamental to the bedrock communications policy goal of ubiquitous, free broadcast service in the public interest.

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We appreciate the opportunity to share these views and would welcome any questions you may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "N. H. Shapiro".

Norman H. Shapiro
President